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# What About Contracting?

Over the past decade, the U.S. Army Corps of Engineers has been a major participant in remediating contaminated sites nationwide. The Corps has provided engineering and construction services to various agencies including, but not limited to, the Department of Army, U.S. Environmental Protection Agency, U.S. Air Force, Department of Commerce, Department of Transportation, Department of Energy, and General Services Administration. The Corps is solely responsible for the execution of the Department of Defense Formerly Used Defense Site remediation program nationwide.

Remediating Hazardous, Toxic, and Radioactive Waste sites is often quite complicated. While the goal is obvious - to protect human health and the environment; the methodology to accomplish that goal is not always evident. This document contains HQUSACE recommendations for a range of contracting capabilities for an HTRW Design District to successfully execute the HTRW program. The recommended array of contracts is summarized in the attached table entitled "Minimum Recommended HTRW Contracting Capability."

Due to the unknown nature of HTRW sites, fixed price contracts often tend to be difficult and cumbersome to administer properly. The recommendations made herein overwhelmingly support the use of cost reimbursable contracts for both the study/design phase as well as the remediation phases of an HTRW project. Further, while the issuance of a site specific contract remains an option; they are not always the most effective option. The Corps must acquire prepositioned contracts to expedite response actions. This is necessary for the protection of human health and environment, to satisfy regulatory and legal requirements, and to execute our customers' programs. It is recognized that this may not be the way the Corps traditionally has contracted for design or construction work, but the Corps must take a progressive approach utilizing all available contracting tools to ensure efficient execution of the program.

## Minimum Recommended HTRW Contracting Capability

Type of Work		Contract Type	Min. # of Contracts	Dollar Value/ Duration
Small <sup>1/</sup> Design District	Containerized HTRW, Fence, Roads, etc.	RFP Firm-fixed-price Indefinite delivery	1-4	\$5M/3 yrs
	Study, Investigations, Design, Installation Support	A-E Indefinite delivery Cost reimbursable Firm-fixed price	1-2 1-2	\$12M/5 yrs
	Environmental Service	RFP Firm-fixed price Indefinite delivery	1-2	\$3M/3 yrs
	Remediation	RFP Cost-reimbursable Firm-fixed price	1-2 1-2	\$50M/5 yrs \$50M/5 yrs
Large <sup>2/</sup> Design District	Containerized HTRW, Fence, Roads, etc.	RFP Firm-fixed-price Indefinite delivery	4	\$5M/3 yrs
	Study, Investigations, Design, Installation Support	A-E Indefinite delivery Cost reimbursable Firm-fixed price	1-2 1-2	\$20M/5 yrs \$20M/5 yrs
	Environmental Service	RFP Firm-fixed price Indefinite delivery	1-2	\$5M/3 yrs
	Remediation	RFP Cost-reimbursable Firm-fixed price	2 2	\$50M/5 yrs \$50M/5 yrs
	Study/Design/Remediate	RFP		
	Total Environmental Restoration Contract (TERC)	Indefinite delivery Cost-reimbursable	1	\$200M/10 yrs

<sup>1/</sup> Annual HTRW investigation and design workload less than \$15 million

<sup>2/</sup> Annual HTRW investigation and design workload of a robust district approaching \$60 million

## **The Rapid Response (RR)/Immediate Response (IR)/Preplaced Remedial Action (PPRA) Programs**

When dealing with environmental contamination, action is often required immediately and can not wait for the normal acquisition process. As a division/district commander, you should know that the Corps utilizes RR/IR and PPRA contracts to assist Federal facilities in resolving time-critical environmental problems.

Expedited responses are justified when driven by:

- ! regulatory actions such as notices of violations, etc.;
- ! congressional mandates;
- ! imminent threats to human health or the environment;
- ! immediate need for actions to minimize, stabilize, contain, mitigate, or eliminate a release or threatened release;
- ! need for immediate removal of sources of contamination;
- ! need for immediate protection of drinking water sources or sensitive ecosystems; or
- ! need to immediately restrict access.

The primary difference between the Immediate Response and Rapid Response Programs is start-up time. The Immediate Response Program can respond in 72 hours. The Rapid Response Program typically takes 30-60 days. Both programs are intended for situations when substantial formal design is not required such as removal actions, sampling activities, transportation and disposal activities, source control/site control activities, etc.

This program is not intended for:

- ! projects requiring substantial formal design,
- ! projects which allow sufficient time for the normal acquisition process,
- ! studies such as remedial investigation, feasibility studies, etc.,
- ! emergency response actions (less than 24 hour response),
- ! non-time-critical actions, or
- ! long-term remedial actions.

Rapid Response capabilities could be utilized, for example, if drums had been discovered during the course of a RCRA inspection and a notice of non-compliance had been issued requiring drum removal within 60 days.

On the other hand, it would be more appropriate to utilize Immediate Response capabilities, for events which require faster response. For example, if a release from a tank failure had been contained by emergency response personnel but required additional action to eliminate the threat of further release. Immediate response capabilities could be used to dispose of the contained waste.

Unlike IR/RR, the PPRA program provides expedited full-scale remediation actions. Existing designs are awarded within 75-90 days and the contractor can be on-site within 45 days from being issued the Notice to Proceed.

Point of Contact for technical assistance and funding issues:

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